

**CIVIL RIGHTS COMMISSION[161]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 216.5, the Iowa Civil Rights Commission hereby amends Chapter 4, “Contested Cases,” Iowa Administrative Code.

These amendments facilitate public understanding of the administrative rules by simplifying sentence structure.

Notice of Intended Action for these amendments was published in the March 10, 2010, Iowa Administrative Bulletin as **ARC 8564B**. A public hearing was held on April 6, 2010. No one attended the hearing, and no written or oral comments were received. These amendments are identical to those published under Notice of Intended Action.

These amendments were adopted by the Iowa Civil Rights Commission on April 15, 2010.

These amendments are intended to implement Iowa Code section 216.5.

These amendments will become effective on June 9, 2010.

The following amendments are adopted.

ITEM 1. Amend subrule 4.28(1) as follows:

**4.28(1) Retention of jurisdiction.** In any final decision in which it is determined that the complainant is entitled to an award of attorney’s fees, but the actual amount has not yet been determined, there is, by operation of this rule, an express retention of jurisdiction of the case by the commission in order to determine the actual amount of attorney’s fees to which the party is entitled and to enter a subsequent order awarding those fees. The commission shall take this action regardless of whether or not such retention of jurisdiction is expressed in the final decision. In such case, the decision is final in all other respects except the determination of the amount of the attorney’s fees.

ITEM 2. Amend rule 161—4.31(17A) as follows:

**161—4.31(17A) Hearing—other reasons.** At any other time, the commission, executive director, or designee may, ~~in~~ at its discretion, convene a hearing: whenever a problem of discrimination arises; in order to expedite the disposition of preliminary matters in any action before it; or when in the judgment of the commission, executive director, or designee, the circumstances warrant.

[Filed 4/16/10, effective 6/9/10]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 5/5/10.